

## REMARKS

This Preliminary Amendment is concurrently filed with a Request for Continued Examination for the above-identified patent application. In the Final Office Action dated July 19, 2007, the Examiner objected to claims 103-105, rejected claims 85 – 88 under 35 USC § 102(e) as being anticipated by US Patent 6,751,402 (hereinafter referred to as Elliot), rejected claim 89 under 35 USC § 103(a) as being unpatentable over Elliot in view of US Patent 6,353,700 (hereinafter referred to as Zhou), rejected claim 90 under 35 USC § 103(a) as being unpatentable over Elliot in view of US Patent 6,826,512 (hereinafter referred to as Dara-Abrams), rejected claim 91 under 35 USC § 103(a) as being unpatentable over Elliot in view of US Patent 5,793,366 (hereinafter referred to as Mano), rejected claim 92 under 35 USC § 103(a) as being unpatentable over Elliot in view of US Patent Publication 2002/0059588 (hereinafter referred to as Huber), rejected claim 93 under 35 USC § 103(a) as being unpatentable over Elliot in view of US Patent 5,883,621 (hereinafter referred to as Iwamura), rejected claims 101-102, 104-108, and 110-112 under 35 USC § 103(a) as being unpatentable over Elliot in view of US Patent 6,901,603 (hereinafter referred to as Zeidler), and rejected claims 113-114 under 35 USC § 103(a) as being unpatentable over Elliot in view of Zeidler in further view of Huber. In this Response, Applicants have canceled claims 101-114 and added claims 115 and 116. Accordingly, claims 85, 86, 88-93, and 115-116 will be pending after entry of this Amendment.

### **I. Objections to Claims 103-105**

In the Office Action, the Examiner objected to claims 103-105 for reciting digital data content objects and not reciting executable files. Applicants have canceled claims 103-105 making rejection of these claims moot.

## **II. Rejections under U.S.C. 102**

In the Office Action, the Examiner rejected claims 85 – 88 under 35 USC § 102(e) as being anticipated by Elliot. Applicants respectfully traverse these rejections as applied to the amended claims. Amended claim 85 recites a home media system comprising:

network;

acquisition storage set-top box, coupled to said network, for storing a plurality of different types of digital data content objects comprising executable files, the executable files comprising video, audio, and image files containing media;

control/playback set-top box, coupled to said network, comprising a media playback module and a media control module, said media control module for accessing, across said network, at least one digital data content object from said acquisition storage set-top box, and for running at least one of a plurality of media applications that provide functionality, through a user interface, to play media, said plurality of media applications comprising a video application for playing video files, an audio application for playing audio files, and a photo application for viewing image files, said media playback module for executing said digital data content object comprising an executable file; and

plurality of client devices, coupled to said control/playback set-top box, the plurality of client devices comprising a display client device for displaying said user interface for said media application and for displaying video or image media comprised in said video or image files and an audio client device for playing audio media comprised in said audio files.

[Emphasis added.]

Applicants submit that Elliot does not teach or suggest each limitation of claim 85. For example, Elliot does not teach or suggest an acquisition storage set-top box for

storing a plurality of different types of digital data content objects comprising executable files, the executable files comprising video, audio, and image files containing media.

The Examiner indicates that Elliot discloses an acquisition storage set-top box (personal video recorder 200 of Figure 2) coupled to a network for storing an executable file (video streams 222 and 223 of Figure 3). The Examiner further indicates that Elliot discloses a control/playback set-top box (set-top box 100) coupled to a network, the control/playback set-top box comprising a media playback module (video output interface 120) and a media control module (microprocessor 140). However, as shown in Elliot, the video streams 222 and 223 (contained within the personal video recorder 200) are not accessed across a network by the set-top box 100. Rather, as shown in Figures 1-3, the video streams 222 and 223 are transported within the personal video recorder 200 itself and are not transported across a network.

Further, as known in the art, a video stream is not equivalent to an executable file. As well known in the art, an executable file comprises executable code or instructions while a video stream does not contain executable code or instructions. Also, nowhere in Elliot is it taught or suggested that the video streams 222 and 223 comprise executable code or instructions. Elliot also discusses DTLA ("Digital Transmission Licensing Administrator"), but states that DTLA provides copying protection using authentication by key exchange and does not teach or suggest the use of executable files in providing copy protection (see Elliot, column 6, lines 8-21). Since Elliot does not teach or suggest an executable file, Elliot also does not teach or suggest a media playback module for executing an executable file.

Elliot also does not teach or suggest a control/playback set-top box, coupled to said network, comprising a media control module for accessing, across said network, at least one digital data content object from said acquisition storage set-top box, and for running at least one of a plurality of media applications that provide functionality, through a user interface, to play media, said plurality of media applications comprising a video application for playing video files, an audio application for playing audio files, and a photo application for viewing image files.

As such, Elliot does not teach or suggest each limitation of claim 85. For the above reasons, Applicants believe that claims 85-88 are in allowable form.

### **III. Rejections under U.S.C. 103**

In the Office Action, the Examiner rejected claim 89 under 35 USC § 103(a) as being unpatentable over Elliot in view of Zhou, rejected claim 90 under 35 USC § 103(a) as being unpatentable over Elliot in view of Dara-Abrams, rejected claim 91 under 35 USC § 103(a) as being unpatentable over Elliot in view of Mano, rejected claim 92 under 35 USC § 103(a) as being unpatentable over Elliot in view of Huber, rejected claim 93 under 35 USC § 103(a) as being unpatentable over Elliot in view of Iwamura, rejected claims 101-102, 104-108, and 110-112 under 35 USC § 103(a) as being unpatentable over Elliot in view of Zeidler, and rejected claims 113-114 under 35 USC § 103(a) as being unpatentable over Elliot in view of Zeidler in further view of Huber. Applicants respectfully traverse these rejections.

Applicants have canceled claims 101-114 making rejection of these claims moot. Claims 89-93 are dependent upon claim 85, and thus are allowable for at least the same reasons as claim 85. Further, none of the cited references, either alone or in combination,

teach or suggest the additional limitations of claim 92. For example, none of the cited references teach or suggest an access control module for receiving, from a remote control, a user request for a particular digital data content object or executable file and for extracting a unique identification of the remote control from the user request, said unique identification being used to restrict access to the particular digital data content object or executable file. Applicants respectfully request that the Examiner cite the precise portion(s) of the cited art that teach or suggest the additional limitations of claim 92.

#### **IV. New Claims**

New claims 115-116 are dependent upon claim 85, and thus are allowable for at least the same reasons as claim 85. Further, none of the cited references, either alone or in combination, teach or suggest the additional limitations of claim 115. The Examiner cites the audio/video decompressor 65 (contained in personal versatile recorder (PVR) 20) of Zeidler as teaching the audio client device. For the sake of argument, the audio/video decompressor 65 may relate to the media playback module in the control/playback set-top box. However, the audio/video decompressor 65 does not correspond to the separate and distinct audio client device that is coupled to the control/playback set-top box. Applicants submit that Zeidler does not teach or suggest such an audio client device coupled to the personal versatile recorder (PVR) 20 (which contains the audio/video decompressor 65), the audio client device for only playing audio media and not being configured to play video or image media in video or image files.

In view of the foregoing, it is submitted that the claims are in condition for allowance. Reconsideration of the rejections and objections is requested. Allowance is

earnestly solicited at the earliest possible date.

Respectfully submitted,

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